

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MICHAEL FEAR,

Plaintiff,

vs.

UNION PACIFIC RAILROAD  
COMPANY, HULCHER SERVICES,  
INC.,

Defendants.

**8:12CV3082**

**AMENDED  
PROGRESSION ORDER**

The parties' joint motion, (Filing No. 36), is granted and the final progression order is amended as follows:

- 1) The jury trial of this case is set to commence before John M. Gerrard, United States District Judge, in the United States Courthouse, Omaha, Nebraska at 9:00 a.m. on **August 5, 2014**, or as soon thereafter as the case may be called, for a duration of seven (7) trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one. Jury selection will be held at commencement of trial.
- 2) The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on **July 22, 2014 at 10:00 a.m.**, and will be conducted by WebEx conferencing. To facilitate this conferencing method, the parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to [zwart@ned.uscourts.gov](mailto:zwart@ned.uscourts.gov), in either Word Perfect or Word format, by 5:00 p.m. on July 21, 2014. An email will be sent to counsel of record with the instructions and codes for participating in the pretrial conference by WebEx.
- 3) A telephonic conference with the undersigned magistrate judge will be held on **September 24, 2013 at 9:00 a.m.** to discuss the status of case progression and potential settlement. Counsel for plaintiff shall place the call.
- 4) The deadline for completing written discovery under Rules 33 through 36 of the Federal Rules of Civil Procedure is March 18, 2014. Motions to compel Rule 33 through 36 discovery must be filed by March 4, 2014.

- 5) The deadlines for identifying expert witnesses and providing complete expert disclosures, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff(s):	November 1, 2013
For the defendant(s):	January 16, 2014

- 6) The deposition deadline is April 8, 2014.
- 7) The deadline for filing motions to dismiss and motions for summary judgment is April 8, 2014.
- 8) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is April 8, 2014.
- 9) Motions in limine shall be filed five business days prior to trial. It is not the normal practice to hold hearings on motions in limine or to rule on them in advance. Counsel should plan accordingly.
- 10) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.

January 28, 2013.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge